# Mobbing of John R. Shillady

## Secretary of the National Association for the Advancement of Colored People

AT

## Austin, Texas, Aug. 22, 1919

### County Judge Boasts of His Leadership in the Mobbing

### Governor W. P. Hobby of Texas Publicly Approves the Mob Attack

STATEMENT BY THE

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

SEVENTY FIFTH AVENUE, NEW YORK

*October, 1919*

# Mobbing of John R. Shillady

THE following account of the mobbing of John R. Shillady, Secretary of the National Association for the Advancement of Colored People, at Austin, Texas, August 22, 1919, by a County Judge, a constable and other Texas citizens, is submitted by the Association in response to numerous inquiries which have been made by branches, members and friends of the Association and from other citizens, concerning the assault. This assault upon Mr. Shillady has become a matter of national concern because of the explicit and unqualified approval of mob action by Governor W. P. Hobby of Texas, expressed by him in a telegram to the Association and in an address made at Fort Worth, Texas, a few days following the assault.

Mr. Shillady left New York on August 16th and arrived at Austin, Texas, late on Wednesday, August 20th, having spent a day and a half in Chicago en route. His purpose in coming to Austin was to learn from the Governor, Attorney General and other responsible officials what had occasioned the inquiry which had been conducted in Austin into the Association's and the local branch's affairs; to ascertain what legal objections, if any, had been raised against the Association, and to offer the fullest co-operation to all officials who desired to inquire into the Association's activities. Before leaving New York Mr. Shillady had telegraphed Attorney General C. M. Cureton and Justice of the Peace M. M. Johnson, before whom local branch officers had appeared, apprising them of his coming. Letters were also sent, together with annual reports, to all officials whose names were mentioned by the branch, speaking of Mr. Shillady's coming.*

The telegrams to the Attorney General and the Justice of the Peace included the following in ad-

*The Sheriff, a Deputy Sheriff, the County Attorney, court stenographer, Chief of Police and a private citizen.

dition to an introductory statement of the occasion for sending them and information about the Association and its officers (the fact being cited that a governor of one state was the president of one branch):

"On behalf of the National Office (of the Association) I beg leave to offer to you any information regarding the Association which you desire. As its national secretary I expect to be in Austin within a week."

Shortly after his arrival, the National Secretary arranged to meet a committee of the Austin Branch to secure from them an authoritative statement of their relations with Texas state officials and local authorities. Mr. Shillady made it clear that he would hold or address no meetings, and that his purpose in coming to Austin was to talk matters over frankly and fully with the chief executive officers of the State of Texas.

At the conference with the Branch committee the officers gave Mr. Shillady an account of their summons before State and local officials, about which they had already written to Headquarters. The branch president and secretary had been summoned to appear before a Justice of the Peace and to bring all books, papers, correspondence etc. belonging or pertaining to the National Association for the Advancement of Colored People, at which time they had been questioned by the County Attorney. The secretary had just received a half-dozen copies of the Crisis and these were taken by the officials and read.

Subsequently these two officers were further questioned by officials of the office of the Adjutant General, by the Captain of the State Ranger's force, and by the County Judge.

The Branch officers said that they had endeavored to acquaint the authorities fully with the purposes and scope of the Association's work, and believed they had convinced them of its legal and peaceful nature.

Thursday morning Mr. Shillady waited at the hotel for an expected extra supply of annual reports, of the volume, "Thirty Years of Lynching in the United

States," of the Call for a National Conference on Lynching and the "Address to the Nation" (on Lynching and Mob Violence). He wished to be able to present a copy of each of these publications to such officials as he might call upon, as evidence of the unimpeachable character of the National Association's work and of the high standing of the leaders of American opinion, North and South, who had cooperated with it in endeavors to check lynching and mob violence.

He had a supply of biographical sketches of the Association's officers which he used to show the personnel and past careers of such officers.

Finding the publications had not come by two P. M., Mr. Shillady went to the State House. As the Governor's office, his first call, was closed, he went to the office of the Attorney General where he saw the First Assistant to the Attorney General, the Attorney General being absent.

Mr. Shillady learned from the Acting Attorney General and the Acting Adjutant General, whom he saw later in the day, what had led up to the inquiry into the local branch's affairs.

Rumors had become current, it was said, that Negroes were buying high powered rifles and ammunition and the officials asserted that investigations had shown a basis of fact for the rumors. It was feared by the authorities, so Mr. Shillady was informed, that there might be an "armed uprising" among the Negroes. For some time before Mr. Shillady reached Austin a score of colored men, said to have been participants in a conflict between whites and colored at Longview, Texas, in July, had been held in jail at Austin. Eleven of them had just been freed, he was told, some on bond, but prior to this, rumors of anticipated attempts at rescue, were said to have been rife. Some 26 white men, he was told, had been indicted for arson and other crimes growing out of the burning of Longview Negroes' houses.

Perhaps because of the part played in the Longview affair by the publication in a colored weekly of an article, which was deeply resented by some white

residents of Longview, concerning a lynching which preceded the outbreak (a colored teacher had been beaten, charged with responsibility for the article, which we are informed he denied) the authorities had carefully scrutinized all Negro publications.

The Longview conflict had been brought about directly by an attempt to drive the colored teacher and a colored physician out of town, during which a white mob had descended on their homes which were defended by a group of colored men. The house burnings followed the first attack.

In interviews in both the Attorney General's and Adjutant General's offices, Mr. Shillady was told of the "evil effects" of certain Negro publications in "inciting" the Negro population.

No articles advocating violence or attacks of any kind on white people were shown or described to Mr. Shillady, the "incitement" appearing to consist of general articles on race relations and the race question.

When the matter of purchasing arms and the alleged danger of attacks on whites were mentioned, Mr. Shillady remarked that he felt certain the branches had had nothing to do with that and that the Association's sole reliance was on legal and constitutional methods for gaining its ends. Quotations in proof were offered from the 1918 annual report (page 79) to show the emphasis placed on **legal** and **constitutional means** and the sentences cited, **"Its fight is of the brain and the soul and to the brain and the soul of America,"** and **"It (the Association) seeks to reach the conscience of America."***

Similarly, when "social equality" was charged as the Association's aim, and the alleged demand for "social equality" cited as "stirring up the niggers," Mr. Shillady pointed out that the N.A.A.C.P. was not concerned with social equality but with **public equality**, quoting or referring his questioners to

*On the same page the legal purpose and method of the Association is further exemplified in the sentence: "In Congress and state legislatures and before the bar of public opinion, the Association must energetically and adequately defend the Negro's right to fair and equal treatment."

citations from the 1918 annual report, whenever opportunity offered.

The following excerpt from the 1918 annual report of the Association, printed in January, 1919, eight months prior to the Austin episode, states succinctly the Association's attitude on "social equality."

> "Nor should any one be led astray by the tiresome talk about social equality. Social equality is a private question which may well be left to individual decision. But, the prejudices of individuals cannot be accepted as the controlling policy of a state. The National Association for the Advancement of Colored People is concerned primarily with **public equality.** America is a nation —not a private club. The privileges no less than the duties of citizenship belong of right to no **separate class** of the people but to **all** the people, and to them as **individuals.** The constitution and the laws are for the protection of the minority and of the unpopular, no less than for the favorites of fortune, or they are of no meaning as American instruments of government."

In all the interviews and before the "court of inquiry" later to be mentioned, emphasis was laid by the Texas men on one resolution passed by the annual Conference of Association branches at Cleveland in June, and appearing in the August CRISIS calling upon Congress to pass legislation for "equal and unsegregated" accommodations on railroad cars. This resolution, it was said, would "stir up trouble" and further, that "Texas policy is fixed and will not change on the separation of the races."

When the conversation was shifted to lynching Mr. Shillady showed the officials the Association's "Thirty Years of Lynching in the United States." The Acting Attorney General read accounts of those which had occurred in Texas, recalling some of them. In speaking of one of the recent lynchings he told Mr. Shillady that the sheriff in that case said he was not going to have any good citizens of the county killed defending that "nigger." He also said that they were pressing the case under contempt of court proceedings; that there were a number of the leaders of the mob under arrest and that he hoped they were going to get convictions.

Mr. Shillady showed the Address to the Nation on lynching to both the above mentioned officers and to the court before whom he appeared later that day, pointing out the names and standing of prominent people who had signed it. The National Secretary reminded all of these gentlemen that no association which could, and did, secure the signatures of such eminent men as the Attorney General of the United States, governors of states, and others named, to an appeal against mob violence could have any connection with organizing Negroes for the purpose of inciting the colored people against the white people.

Among the signers, in addition to Attorney-General Palmer are Former Governor Emmet O'Neal of Alabama; Governor Thomas E. Campbell of Arizona; Ex-President Taft; Former Congressman and Former President of the Georgia Bar Association William H. Fleming of Augusta; Bishop Frederick F. Reese of Savannah; Former Judge of Appellate Division of Cook County, Illinois, Edward Osgood Brown; Judge Orrin N. Carter of the Illinois Supreme Court; Former Governor Edward F. Dunne of Illinois; Judge Julian W. Mack of the United States Court of Appeals; George T. Page, President of the American Bar Association; Governor W. L. Harding of Iowa; Governor Henry J. Allen and Senator Arthur Capper of Kansas; Robert W. Bingham, Publisher of the Louisville, Ky., "Courier-Journal"; Former Unites States Attorney-General Charles J. Bonaparte of Maryland; Bishop Theodore DuBose Bratton, Bishop Wm. Mercer Green and Former President of State Bar Association A. T. Stovall of Mississippi; Governor Emmet D. Boyle of Nevada; Former Minister to the Netherlands Henry van Dyke; Charles Evans Hughes; Elihu Root; Former United States Attorney-General Judson Harmon; Governor A. H. Roberts of Tennessee; George M. Bailey of the Houston, Texas, "Post"; Dean Wm. S. Sutton of the University of Texas, Austin, Texas; James H. Dillard, President of the Jeanes Foundation and the Slater Fund and Wm. M. Hunley, Secretary of the Southern Race Commission, both of Virginia.

Before parting from the Acting Attorney General that official remarked that the way Mr. Shillady and the other national officers understood these matters (i. e., that basic changes would take a long while for achievement) was all right, but we did not know these "Southern niggers," who would want "these things" at once and thus make trouble. The Acting Adjutant General advised Mr. Shillady to read a letter from Waco appearing in the local branch minutes which he considered cause for alarm. In fact, this letter referred only to a victory Waco Negroes had won in an injunction case restraining election officials from preventing colored people from voting in the primaries and suggested a federation of the Texas branches for mutual protection.

Mr. Shillady parted from both the Acting Attorney General and the Acting Adjutant General with the understanding that he would see the Governor and the Captain of the State Rangers and was dismissed in a courteous manner.

After leaving the Adjutant General's office, a subpoena was served on the Association's Secretary and he was haled before a secret session of a so-called "court of inquiry." Here, where the tone was hostile, effort was made to show that the National Association was attempting to violate the laws of Texas by advocating the resolution passed at the Cleveland Conference favoring equal and unsegregated accommodations on railroad cars. Mr. Shillady carefully explained that this resolution had no bearing on the laws of Texas but applied only to proposed action by the federal Congress.

When endeavors were made to lay a basis for the charge that the Association's program could be connected with, or might lead to, the purchase of arms and incitement to violence, Mr. Shillady stated most emphatically that if the slightest bit of evidence could be produced that any of the Association's branches had been preaching or condoning violence against the whites in any way they would be suspended at once by the National Board of Directors and that he himself would take the responsibility of doing so on the spot. The proceedings were dignified by such questions as:

"If you're a 'nigger' lover why don't you go and stay in a 'nigger' hotel? and similar questions concerning the witness and his family.

After it was over the judge said, "If you have a little time to-night, come around. I would like to talk with you." Mr. Shillady declined the invitation.

Throughout this hearing Mr. Shillady endeavored to maintain an even-tempered attitude and to answer frankly and fairly all proper questions that were put to him. He was most anxious to offer any assistance possible to all bona fide efforts that might be made to ascertain the real causes of friction and to show the Association's purpose and spirit.

He read into the record after the questioning had ceased statements concerning the lives and records of Mr. Moorfield Storey, Major J. E. Spingarn and other prominent officers of the Association; also the names and public positions of the high federal and state officials, judges of higher courts and other principal signers of the Address to the Nation and the call for the National Conference on Lynching among whom were mentioned the Attorney General of the United States, governors of states and some score of prominent white southerners, including two Texas men.

The next morning Mr. Shillady was shadowed wherever he went. As the shadowing was done by men whom he had seen around the court room, including officers, he regarded it as legitimate, even if hysterical. After having a conference with a representative of the Austin Branch, at the office of a colored citizen, he started towards his hotel. He heard an automobile coming, probably the same automobile which had previously been noted as lingering outside the office where Mr. Shillady was having his conference. When he had arrived at a corner near his hotel, he was approached from behind by a group of men which, according to a public statement made to the Austin press by the mobbists themselves, included County Judge Dave Pickle and the same constable who had subpoenaed him the night before. The constable put his hand on Mr. Shillady's arm. Mr. Shillady stood unguarded, expecting another subpoena, when with-

out warning he was struck in the face, followed by a shower of blows from the other men surrounding him. After he had been knocked down and was bloody and bruised over his face, head and chest, his assailants left him.

No one offered any assistance. Subsequently, at Mr. Shillady's request, the Mayor gave him police protection until he left. When he bought his ticket the men who took part in the assault and many more were at the station standing around, menacingly. The judge who helped assault him was one of the men who had been present at the secret session of the court and had had ample opportunity to arrest Mr. Shillady had he been outside the law.

## AFTER THE ASSAULT

The first news that the National Office of the Association had of the assault was through the Associated Press. The Chairman of the Board of Directors of the Association telegraphed the Governor of Texas, citing the Associated Press despatch that Mr. Shillady had been severely beaten in Austin, Texas, by several men and concluding with the direct inquiry: "We are asking you what efforts are being made at once to punish the offender." The Governor replied in the following telegram:

Austin, Texas, August 23, 1919.

Mary White Ovington,
Chairman, National Association for the
Advancement of Colored People,
70 Fifth Avenue, New York.

Shillady was the only offender in connection with the matter referred to in your telegram and he was punished before your inquiry came. Your organization can contribute more to the advancement of both races by keeping your representatives and their propaganda out of this state than in any other way.

W. P. Hobby,
Governor of Texas.

In a speech a day or two later Governor Hobby is reported by the Associated Press as having said:

"I believe in Texas for Texans only, and just as strongly do I believe that Texans should say how the affairs of the state should be conducted and I believe in sending any narrow-brained, double-chinned reformer who comes here with the end in view of stirring up racial discontent back to the North where he came from, with a broken jaw if necessary."

An Associated Press despatch of August 23, widely printed, states that County Judge Dave J. Pickle said that the attack on Mr. Shillady was made by "himself, Constable Charles Hamby and Ben Pierce, none of whom, he declared, would shirk responsibility in the matter."

## SUMMARY.

The foregoing circumstantial account of Mr. Shillady's experience in Austin shows:

1. That he went to Austin to confer with the highest executive officers of Texas on matters immediately related to his official duties.

2. That he telegraphed the Attorney General and a local Justice of the Peace that he was coming.

3. That he put himself at the service of these officials soon after his arrival.

4. That he neither held, addressed or attended any public or other meetings.

5. That his contact with colored people was confined to brief conferences with representatives of a local branch of the Association of which he is secretary.

6. That he was mobbed by a County Judge, a Constable and other citizens, three of whom gave their names to the public press.

# National Association for the Advancement of Colored People

70 FIFTH AVENUE, NEW YORK

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